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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,)	Case No.: CR 06 0326
11 Plaintiff,)	
12 vs.)	STIPULATION AND [PROPOSED] ORDER
13 CLIFFORD DURHAM,)	CONTINUING DATE OF TRIAL SETTING
14 Defendant.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT CALCULATION 18
)	U.S.C. SECTION 3161(h)(8)(A)
)	Date: February 21, 2007
)	
)	Hon. Susan Illston
)	United States District Court

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16 Defendant, Clifford Durham, through his counsel of record Anthony J. Brass, and the
17 Plaintiff, the United States Attorney, and Michelle Morgan Kelly, Assistant United States
18 Attorney, hereby request and stipulate that the trial setting in the above-entitled matter be
19 continued from February 23, 2007, to April 13, 2007.

20 This request is made due to the fact that on February 20, 2007, new information was
21 provided to Department of Homeland Security Special Agent Michael Appio, which may impact
22 the resolution of the case. This new information will require further development. Special
23 Agent Appio is scheduled to be overseas for three weeks in March of 2007, and will be unable to
24 evaluate the information until his return.

25 Pursuant to 18 U.S.C. Section 3161(h)(8)(A), the parties hereby stipulate that the time
26 between February 23, 2007 and April 13, 2007 be excluded from the speedy trial calculation, as
27 this time is necessary for effective preparation of the case and, therefore, that the ends of justice
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served by granting the continuance until April 13, 2007, outweigh the best interest of the public and of the defendant in a speedy trial.

Dated: February 21, 2007

Respectfully Submitted,


/s/
ANTHONY J. BRASS
Attorney for Clifford Durham

/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

ORDER

Good cause appearing, and by stipulation of the parties, IT IS HEREBY ORDERED, that the trial setting in United States v, Clifford Durham CR 06-0326, be continued from February 23, 2007 to April 13, 2007, and that time be excluded pursuant to 18 U.S.C. Section 3161(h)(8)(A).

IT IS SO ORDERED.



HON. SUSAN ILLSTON
UNITED STATES DISTRICT COURT

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